United Nations A/68/176

General Assembly

Distr.: General
23 July 2013

Original: English

Sixty-eighth session
Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Independent Expert on human rights and international solidarity

Summary

The Independent Expert on human rights and international solidarity, Virginia B. Dandan, submits the present report in accordance with Human Rights Council resolution 21/10. The report provides a concise introduction to the mandate of human rights and international solidarity, including an overview of how the methodology and approach to the mandate has been developed since it was created in 2005 and the implementation of the workplan in three stages.

The report also features a summary of activities undertaken by the Independent Expert in response to the requests of the Human Rights Council in its resolutions 18/5 and 23/12, including: cooperation with the Human Rights Council Advisory Committee; participation in international conferences and events; taking into account the outcomes of major United Nations and other global summits; conducting country visits with the aim of seeking and exchanging views with Governments and identifying their best practices for the promotion of international solidarity; holding consultations with Member States, relevant United Nations and other international organizations, agencies and programmes, and other stakeholders at the national, regional and international levels in the discharge of the mandate; and conducting in-depth research and intensive consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity.

* A/68/150.

13-40437 (E) 160813

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I. Introduction

1. In its resolution 2005/55, the Commission on Human Rights established the mandate of the Independent Expert on human rights and international solidarity to: study the issue of human rights and international solidarity; prepare a draft declaration on the right of peoples to international solidarity; take into account outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields and seek views and contributions from Governments, United Nations agencies, relevant organizations and non-governmental organizations; and report annually on the progress made in the fulfilment of the mandate.

2. On 28 July 2005, the Commission appointed Rudi Muhammad Rizki as Independent Expert on human rights and international solidarity. The current Independent Expert, Virginia B. Dandan, was appointed by the Human Rights Council in August 2011.

3. The mandate of the Independent Expert has been renewed twice, each time for a period of three years, by the Human Rights Council the successor body to the Commission on Human Rights, in its resolutions 7/5 and 17/6.

4. The Human Rights Council, in its resolution 21/10, requested that the Independent Expert:

(a) Continue to identify areas to be addressed, the main concepts and norms that could form the basis of a framework and good practices to inform the future development of law and policy with regard to human rights and international solidarity;

(b) Hold consultations with Member States, relevant United Nations and other international organizations, agencies and programmes, as well as other stakeholders at the national, regional and international levels, in the discharge of her mandate;

(c) Undertake country visits with the aim of seeking and exchanging views with Governments and identifying their best practices for the promotion of international solidarity;

(d) Conduct in-depth research and intensive consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity;

(e) Participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the implementation of the Millennium Development Goals and in the post-2015 sustainable development agenda;

(f) Report regularly to the General Assembly in accordance with its programme of work.

5. The Independent Expert would like to thank her predecessor, Rudi Muhammad Rizki, who passed away in 2011, and to acknowledge with appreciation his work, which will be taken into account in her own work. The outcomes of her activities will be consolidated with the work of her predecessor to comprise the empirical basis of a draft declaration on the right of peoples and individuals to international solidarity.

6. The Independent Expert would also like to take this opportunity to express her thanks and appreciation to the Human Rights Council Advisory Committee for its valuable input to her work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity.

II. Developing a methodology of work and approach to the mandate

7. Previous to the establishment of the mandate of the Independent Expert, and in accordance with decision 2003/115 of the Subcommission on the Promotion and Protection of Human Rights, Rui Baltazar Dos Santos Alves prepared a working paper on the issue of human rights and international solidarity (E/CN.4/Sub.2/2004/43). This working paper concluded that human rights and international solidarity constituted an extremely broad area of research that still aroused controversy and lacked deep analysis and study in the judicial and other fields. The paper concluded that, within the context of globalization and the widening gap between developed and developing countries, it was necessary to strengthen international solidarity for the effective realization of human rights by States. International solidarity, as an instrument for the attainment of human rights, was a fact of international life that should be valued, but which needed new development, with the objective of building a more just and equitable international order that favours such rights. In interpreting the concept of international solidarity, the author of the working paper also argued that there should be a right/duty of international solidarity in matters of human rights and in related areas.

8. The previous Independent Expert sought to develop the concept of human rights and international solidarity in the following three areas: international cooperation; global response to natural disasters, diseases and agricultural pests; and third-generation rights. The three major areas of focus represented the existence of international solidarity in international forums. By indicating the importance and existence of international solidarity in the major areas of focus, the Independent Expert sought to establish international solidarity in United Nations human rights instruments. Furthermore, the Independent Expert aimed to endorse the practice of international solidarity by more international actors and to encourage them to take initiatives towards international solidarity and to practice it in international relations.

9. In 2009, the former Independent Expert distributed a questionnaire on human rights and international solidarity to Member States, the Departments of the Secretariat, United Nations bodies, the specialized agencies, other international organizations, non-governmental organizations and special procedures mandate holders. The responses were compiled and presented to the Human Rights Council in a report (see A/HRC/15/32), which also identified salient elements of a conceptual and normative framework, as drawn from the responses, including the observations of the former Independent Expert. In concluding the report, the Independent Expert underlined the value and significance of international solidarity in an interdependent world and how it may eventually guide the progressive development of international law in this sphere.

10. In its resolutions 9/2 and 12/9, the Human Rights Council requested its Advisory Committee to prepare inputs to contribute to the elaboration by the Independent Expert of a draft declaration on the rights of peoples and individuals to

international solidarity and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting that right.

11. The current Independent Expert interprets the assigned tasks of the mandate as an implicit recognition that a declaration on the right to international solidarity will serve as the conceptual framework upon which that right will be developed. This interpretation is further rationalized by the directive to promote the realization of the right of peoples and individuals to international solidarity, inter alia, through the further development of guidelines, standards, norms and principles enhancing the enjoyment of that fundamental right, as set out in Human Rights Council resolution 17/6. Pursuant to Council resolutions 9/2, 12/9, 15/13 and 18/5, the current Independent Expert engaged with the Advisory Committee during its eighth session in February 2012, and discussed with the Committee members the paper prepared by its drafting group as input to the work of the Independent Expert on a draft declaration on the right of peoples and individuals to international solidarity. In August 2012, the Advisory Committee submitted its final paper to the Council, containing its contribution to the work of the Independent Expert in the preparation of a draft declaration on the right of peoples and individuals to international solidarity (see A/HRC/21/66).

12. The Human Rights Council, in its resolution 18/5, requested the United Nations High Commissioner for Human Rights to convene, in 2012, a workshop for an exchange of views on, inter alia, the gender implications of international solidarity, the impact of a right to international solidarity, the role of international solidarity in achieving the Millennium Development Goals and the realization of the right to development, with the participation of representatives from all interested States, the Independent Expert, the members of the Advisory Committee dealing with that issue and civil society.

13. In this connection, an expert workshop on human rights and international solidarity was held by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva on 7 and 8 June 2012 (see A/HRC/44/Add.1). It was convened under the auspices of the current Independent Expert who brought together 26 experts from all regions. Representatives of Governments, United Nations agencies and non-governmental organizations attended the public segment of the workshop as observers and were invited to participate in its working groups. In her concept note, the Independent Expert outlined her workplan for the preparation of a draft declaration on the right to international solidarity in three stages:

(a) Stage one consisted of the work that had already been carried out, in particular the work of the former Independent Expert;

(b) Stage two would involve research and the application of empirical methods in examining issues, principles and best practices on the ground and in consulting with States and various stakeholders as well as representatives of civil society and people from the grass roots;

(c) Stage three would focus on consolidating and analysing the output from stages one and two and on crafting the draft declaration, culminating in its submission to the Human Rights Council by the end of 2014.

14. In its most recent resolution relating to the mandate of human rights and international solidarity, resolution 23/12, the Human Rights Council requested the Independent Expert, inter alia, to: conduct in-depth research and intensive

consultations with a view to preparing and sharing with Member States and all other relevant stakeholders a preliminary text of the draft declaration on the right of peoples and individuals to international solidarity; participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the implementation of the Millennium Development Goals and in the post-2015 sustainable development agenda; and continue to engage actively in the post-2015 process, stressing the role of international solidarity as a key element to achieve sustainable and more inclusive development.

15. In the same resolution, the Council reiterated its request that the Independent Expert report regularly to the General Assembly in accordance with its programme of work.

III. Implementation of the workplan

A. Stage one: laying the groundwork

16. International solidarity was affirmed in various ways, including: as a fundamental concept of mutually reinforcing relations among persons, groups and nations; as an essential binding element that underpins global partnerships; as key approach to poverty eradication;[1] and as an indispensable component of the efforts to realize all human rights, including the right to development and the Millennium Development Goals.

17. The former Independent Expert, using his research as a basis, defined international solidarity as the union of interests or purpose among the countries of the world and social cohesion between them, based on the interdependence of States and other international actors, in order to preserve the order and survival of international society and to achieve collective goals that require international cooperation and joint action. In his view, the idea of international solidarity could be said to have a legal basis in a number of existing international instruments, including: the Charter of the United Nations, Article 1, paragraphs 2 and 3, and Article 55, subparagraph (b); the United Nations Millennium Declaration; the Millennium Development Goals (as reviewed in *The Millennium Development Goals Report* of 2006); the Declaration on the Right to Development; the preamble to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993 (Vienna Declaration); the Universal Declaration on the Human Genome and Human Rights, article 17; the preamble to the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization; and the Charter of Fundamental Rights of the European Union, chapter IV.

18. The final report submitted by the former Independent Expert consisted for the most part of his observations and conclusions based on responses to the questionnaire he had circulated in 2009, to States, the Departments of the Secretariat and United Nations bodies, the specialized agencies, other international

[1] See Kyiv Declaration of the Organization of the Black Sea Economic Cooperation of 17 April 2008, as cited in A/HRC/15/32.

organizations, non-governmental organizations and special procedures mandate holders. The questionnaire consisted of the following eight questions:[2]

(a) Given that the principle of international solidarity is essential to responding to current global challenges, what is your opinion with regard to recognizing international solidarity as a principle of international law, in particular, international human rights law?

(b) Taking into consideration the related concepts of international solidarity, the right to development and human rights-based approaches to development, what is your opinion on international solidarity as one of the approaches to alleviate poverty?

(c) Do you see third generation rights, in particular solidarity rights, as an established or an emerging area of human rights law? In your perspective, is there any particular right that should be included under solidarity rights other than the rights mentioned herein?

(d) In your view, are the main areas of focus (international cooperation, global responses to natural disasters, agricultural pests and diseases and third generation rights), sufficiently representative of today's issues, challenges and crisis situations?

(e) How do you perceive global responses to natural disasters within the framework of international law?

(f) How should international cooperation be strengthened in order to accomplish the Millennium Development Goals?

(g) How would the right to development reduce the existing gap between developed and developing countries by means of international cooperation and solidarity?

(h) In your view, are there State obligations in relation to international and/or global solidarity?

19. In the section on the salient elements of a conceptual and normative framework in the above-mentioned report, the former Independent Expert reiterated that there is an unequivocal value of solidarity and a related value system that can inform the progressive development of international law and legal development at the regional and national levels, supporting an integrated and cohesive principle of international solidarity and an evolving right of peoples and individuals to international solidarity. In the same section of his report, he also reiterated his call for human, international and global solidarity, requiring strengthened cooperation among all stakeholders: States, international and non-governmental organizations, the private sector and all individuals. He stated that the need for solidarity was amplified in the context of increasing interdependence in a globalizing world, where liberalization of international trade and foreign direct investment have created a single global economy, mandating that humanity was also conceived as a single, global community.

[2] See A/HRC/15/32, annex. Each question was preceded by an explanatory note not reproduced herein. The responses to the questions are in the main body of the report.

20. In the conclusion to his report, the former Independent Expert stated that international solidarity was a precondition for human dignity, the basis of all human rights, and a human-centred approach to development and that it had a bridge-building function across all divides and distinctions, encompassing the values of: social justice and equity; goodwill among peoples and nations, and integrity of the international community; sovereignty and sovereign equality of all States, and friendly relations among them. International cooperation is the core of international solidarity.

21. The former Independent Expert went on to state that international solidarity was not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it was a broader concept and principle that included sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens and refraining from doing harm or posing obstacles to the greater well-being of others, including within the international economic system and to our common ecological habitat, for which all were responsible. Since, in a unified, interdependent, globalized marketplace, actions and inactions could benefit or harm people at the furthest ends of the earth, they required shared responsibilities and mutual accountability. In his view, tolerance and diversity were intrinsic to international solidarity, which had no space for discrimination of any form. In addition, special attention should be given to the human rights of vulnerable groups, including women, children, the disabled, the elderly, indigenous peoples and migrants.

22. He identified the primary areas to be addressed, the main concepts and norms that could form the basis of a framework and good practices to inform the future development of law and policy with regard to human rights and international solidarity. He reported that there was an abundance of hard and soft laws, policies and values that could form the basis of a conceptual and normative framework on human rights and international solidarity, principles and guidelines on human rights and international solidarity and, eventually, a draft declaration on the right of peoples and individuals to international solidarity. Those laws, policies and values in the national, regional and international domains included the most basic instruments founded on international consensus.

23. In the same report, the former Independent Expert stressed the selected areas of focus and emerging areas in which international solidarity should take a more central role, including in sustainable development, financing for development and South-South cooperation. In this regard, he emphasized the importance of following major global summits and ministerial meetings in the economic, social and climate fields with a view to promoting the right to international solidarity and the conduct of country study visits to learn about and observe the various good practices undertaken by different actors.

B. Stage two: the shift from a concept of international solidarity to the right to international solidarity

24. In the context of her workplan, the current Independent Expert considers that international solidarity has been defined and redefined in the course of stage one, as inspired by and drawn from the historical and philosophical foundations of the

concept or principle of international solidarity and to a certain extent, its value in international relations has been established. Stage two of the workplan aims to build the momentum necessary to move beyond the bounds of international cooperation and assistance that have constrained, for too long, the elaboration of a right to international solidarity.

25. The Human Rights Council, in paragraph 2 of its resolution 18/5, affirmed the views of the former Independent Expert that international solidarity was not limited to international assistance and cooperation, aid, charity or humanitarian assistance, that it involved a broader concept and principle that included sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens. In the same resolution, the Council also affirmed that much more was needed owing to the magnitude of global and local challenges, the alarming increase in natural and man-made disasters and the continuing rises in poverty and inequality. Ideally, solidarity should be preventive rather than simply reactive in the face of the massive irreversible damage already caused, and it should address both natural and man-made disasters. As guided by the Council, in stage two the focus has been shifted from the concept or principle of international solidarity to the right to international solidarity.

26. The preliminary considerations of the current Independent Expert about the draft declaration were drawn from various sources, notably from the activities described in her first report to the Council and its addendum containing the summary of discussions during the expert workshop on human rights and international solidarity held in June 2012 in Geneva (A/HRC/21/44 and Add.1); from the country study mission to Brazil; and from her informal consultations with various actors, personal research and engagements with civil society in various countries:

(a) The draft declaration should be established on the basis of a level playing field mirroring the current international political and economic realities, which have blurred the previous stereotypical relationships between developed and developing countries and economies. It is important to stress, in this regard, that a right to international solidarity reaches beyond the economic sphere onto the humanitarian, environmental and other fields where the North/South distinctions have become less clear cut;

(b) The draft declaration should invoke the legal bases of a right to international solidarity that have already been identified a number of times and that document the details of international law and international human rights law on which the right is founded. The principles that inform the declaration should be taken from the substantive content of relevant resolutions of the Human Rights Council and its predecessor, the Commission on Human Rights and from the shared interests of States and of various civil society actors, including non-governmental and grass-roots groups;

(c) The configuration of a right to international solidarity requires more than relying solely on rationality. Since international solidarity stems from the actual experience of interdependence and interrelatedness that informs social relations at the present time, a right to international solidarity therefore takes into account how good practices of collective action on the ground, whether among individuals,

groups of individuals or States, give rise to desirable outcomes towards the realization of human rights;

(d) People and institutions can and do engage in relationships of solidarity across distances. Even without face-to-face contacts, modern technology has provided the means to establish common understandings as a basis for empathy and for collective action. This phenomenon is evident in recent social movements throughout the world, including, most notably, the astounding outgrowth of social networking as well as the virtual and real communities it has spawned. Best practices in this regard can validate a right to international solidarity;

(e) The concept of international solidarity, precisely because it is based on such a fragile balance of empathy, openness and possible collective action, may be directed either towards the realization of human rights or manipulated, misused and abused to further perpetuate pervasive asymmetries and inequalities, as well as conflict among and between people and States. It is envisioned that a right to international solidarity would provide a mechanism to prevent, protect against, and manage this risk;

(f) A right to international solidarity should establish and strengthen space for participation and, simultaneously, increase the accountability of national and international stakeholders by identifying duties and obligations, including the respect for cultural diversity and the right to peace. This should not be interpreted as replacing the obligations of national Governments to respect, protect and fulfil human rights within their territories. Rather, this would support national policy choices and, at the international level, could take the form of supporting participation, for example by making data available to all, including through technology transfer, capacity-building and the sharing of the benefits of research and scientific progress. As a minimum core obligation, States must desist from actions that violate human rights in other countries;

(g) A right to international solidarity should identify the obligations of States that extend beyond the question of establishing mechanisms at the international level for the distribution of resources. Positive obligations would include taking concrete steps to regulate financial markets; cooperating to regulate migration on the basis of solidarity; guaranteeing access to information and communications technology, especially by the marginalized and disadvantaged; implementing measures that guarantee participation in decision-making; and countering systemic violations of human rights. Negative obligations would include: not adopting free trade agreements that have the effect of undermining peoples' livelihoods or other rights; not increasing or contributing to global warming; not causing the depletion of, or irreparable damage to, natural resources and biodiversity; not engaging in irregular weapons trade; and not impeding access to information and communications technology;

(h) Achieving the Millennium Development Goals requires international solidarity and cooperation. The proposed declaration on the right to international solidarity should inform and strengthen the targets of the Goals, especially those related to Millennium Development Goal 8, as they evolve within the post-2015 development agenda, which is in the planning stage. Looking beyond the deadline for the achievement of the Millennium Development Goals, the declaration on the right to international solidarity should provide a framework in which international commitments, such as that of fostering Goal 8, could be pushed forward, along with

the preventive value of a right to international solidarity, in addressing global poverty and inequality. The Millennium Development Goals and the corresponding targets are interrelated and should be seen as a whole. They represent a partnership between countries, irrespective of their state of economic development, "to create an environment — at the national and global levels alike — which is conducive to development and the elimination of poverty" (see resolution 55/2). A right to international solidarity has the potential to progressively create such an enabling environment.

C. Stage three: working on a preliminary text in preparation for a draft declaration

27. The Independent Expert, pursuant to the request of the Human Rights Council in its resolution 23/12, is presently preparing a draft declaration on the right of peoples and individuals to international solidarity, to be shared with Member States and all other relevant stakeholders, with a view to eliciting comments before she begins to finalize the text. In preparing the draft text, and in addition to the considerations outlined in paragraph 26 above, the work of the Independent Expert will also be informed by the assumptions she formulated in the course of her analysis of the consolidated data she has compiled in the course of her research:

(a) The right to international solidarity is a fundamental human right enjoyed by everyone on the basis of equality and non-discrimination. It involves sharing the benefits and responsibilities of an international society within a just and fair political and economic order where sustainability in international relations, especially international economic relations, prevails through equal partnerships and peaceful coexistence of all members of a culturally diverse international community, whose common goal is the full realization of all human rights and fundamental freedoms, as well as the eradication of poverty and inequality among peoples and States;

(b) Preventive solidarity aims at dealing with the root causes of poverty, inequality and gender imbalances. Such an approach implies that States fully respect their international obligations pledged at the United Nations, in compliance with their obligations under international law. Preventive solidarity is essential to the achievement of both intergenerational and intragenerational solidarity;

(c) In the context of today's interdependent world where circumstances are often beyond the control of individual States, the recognition of extraterritorial obligations of States is implicit in the right to international solidarity.

(d) Numerous issues may be considered in configuring a right to international solidarity, including: bridging global asymmetries in levels of development among countries, which is closely related to poverty eradication and to the capacity of States to comply with their international human rights obligations; promoting an international economic order based on equal and meaningful participation in decision-making processes; transnational solidarity among individuals, groups and organizations; technology transfer; fair and just sharing of the costs and benefits of development; transparent, democratic, just and accountable international institutions; respect for cultural diversity, cultural heritage and cultural rights; friendly relations among States; equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in

particular in international economic, commercial and financial relations; the right to development; and, the right to peace;

(e) The right to international solidarity would be informed by a consistent gender-sensitive approach in its elements, norms and principles.

28. In the process of developing a draft declaration, the Independent Expert, in accordance with her mandate, will continue to: consult with States, meeting with national representatives face-to-face as much as possible, in addition to taking into account their written comments and suggestions on the draft text received; engage with civil society organizations and other stakeholders to solicit their views and inputs; conduct country study visits to seek best practices of international solidarity and international cooperation; and report on what has been achieved with regard to the mandate on human rights and international solidarity.

IV. Summary of activities (August 2011 to December 2012)

29. On 14 September 2011, the Independent Expert participated in the panel discussion of the Human Rights Council to commemorate the twenty-fifth anniversary of the adoption of the Declaration on the Right to Development by the General Assembly in its resolution 41/128. The focus and objectives of the panel discussion were to enhance understanding of the contribution and potential of the Declaration to thinking, policy and practice on development, to reflect on how the right to development could be implemented in the context of contemporary political, social, environmental and financial challenges and to contribute to the shaping of future work on the effective implementation of the right to development.

30. The Independent Expert presented seminar papers on the theme and participated in the interactive discussion following each presentation. Her paper dealt with how the achievement of the Millennium Development Goals and the right to development call for a more enlightened approach based on a sense of community and international solidarity.

31. In addition, the Independent Expert participated in the Social Forum of the Human Rights Council, which took place in Geneva from 3 to 12 October 2011. The Forum serves as a unique space for open and constructive dialogue among States, civil society and intergovernmental organizations on issues linked to promoting a national and international environment for the enjoyment of all human rights by all.

32. The Independent Expert participated in the thematic panel on "The Declaration on the Right to Development at 25", at which she pointed out that international solidarity should be an indispensable component of efforts to realize the right to development, which would help to lessen the gap between developed and developing countries by reinforcing rhetoric and declarations with tangible actions.

33. Since taking office on 1 August 2011, in addition to the undertakings described above, the Independent Expert has released media messages on the following occasions: the seventeenth Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Durban, South Africa, in late 2011; International Human Solidarity Day, celebrated annually on 20 December; and the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012. She also joined other special procedures mandate holders in issuing media statements on: the imperative of human rights at the

Conference on Sustainable Development; in support of a global financial transaction tax; and calling attention to the remaining gaps in the attainment of the Millennium Development Goals.

34. The Independent Expert also participated in the eighth meeting of the Advisory Committee, held in February 2012. The Committee held preliminary consultations on the draft paper on human rights and international solidarity as input to the work of the Independent Expert on a draft declaration on human rights and international solidarity, pursuant to Council resolutions 9/2, 12/9 and 15/13.

35. Members of the Advisory Committee and the Independent Expert exchanged views on suggestions to strengthen the rationale for the formulation of the concept of human rights and international solidarity, including by taking a closer look at the hard evidence from multilateral treaties, emphasizing solidarity through commitments made by States, and the issue of international cooperation as a duty of States.

36. The Advisory Committee submitted its final paper on human rights and international solidarity to the twenty-first session of the Human Rights Council (A/HRC/21/66).

37. As mentioned above, the Independent Expert played an active role in the preparation and organization by OHCHR of an expert workshop on human rights and international solidarity, which was held in Geneva on 7 and 8 June 2012. The workshop provided an opportunity for an exchange of views on, inter alia, the gender implications of international solidarity, the impact of a right to international solidarity, the role of international solidarity in achieving the Millennium Development Goals and the realization of the right to development.

38. The workshop, which was convened under the auspices of the Independent Expert, brought together 26 experts from all regions. Representatives of Governments, United Nations agencies and non-governmental organizations attended the public segments of the workshop as observers.[3]

39. The Independent Expert also participated as a panellist at the People's Summit for Social and Environmental Justice in Rio de Janeiro, Brazil, organized on 18 June 2012 in parallel to the United Nations Conference on Sustainable Development by civil society, human rights and development organizations in the Latin American region. The forum addressed the theme "The new role of rights-based organizations in the promotion of social and environmental justice".

40. At the Summit, the Independent Expert spoke about the role of international solidarity in supporting the global agenda on sustainable development. She called for "solidarity cooperation", urging States and civil society to work together, building on their commonalities and surmounting their differences in the spirit of partnership and mutual respect, for the sake of our common future.

41. The Independent Expert conducted her first official country study mission to Brazil from 25 to 29 June 2012, for the purpose of exchanging views with the Government and other actors and gathering information on the experiences of Brazil in international solidarity, including, and in particular, in the context of its international cooperation activities.

[3] For a summary of the workshop discussions, see A/HRC/21/44/Add.1.

42. During the country study mission, the Independent Expert met with Government officials engaged in policy matters and activities in international cooperation. Consultation meetings were also held with representatives of United Nations agencies in Brazil and of civil society organizations. A meeting was also held with the United Nations Resident Coordinator.

43. The final report on the country study mission (A/HRC/23/45/Add.1) highlights the main observations made by the Independent Expert in the course of her visit. The Independent Expert welcomed Brazil's international cooperation initiatives, inter alia, in the fields of health, food security and nutrition, education, agricultural technology and rural development and the fight against hunger and poverty. Such initiatives, founded on solidarity, provided valuable lessons for setting a new paradigm in international development cooperation. Brazil's experiences illustrated the value of best practices as portals to the inherent interface between the policy and practice of international solidarity and the realization of human rights.

44. The 2012 Social Forum, which took place from 1 to 3 October 2012, focused on people-centred development and globalization, with the key themes, including participatory development and democratic governance, including through the role of social movements; women's rights; the coherent mobilization of all sources of financing for development; the international financial system and enhancing a globally enabling environment for development; strengthening the global partnership for development; promoting sustainable development in an era of globalization; and innovative approaches to development and globalization.

45. The Independent Expert participated in the thematic panel on participatory development, in which she described her experience in leading the work of a human rights community development project jointly sponsored by the Commission on Human Rights of the Philippines and the New Zealand Human Rights Commission in the Bajau indigenous communities in the conflict-ridden area of Mindanao in the Philippines. Recounting valuable lessons learned during that project, she called upon human rights practitioners not only to focus on preventing human rights violations, but also to undertake activities aiming at the empowerment of people and communities to foster and protect their own well-being. She said that, in that context, human rights should determine how we live together as one human family. The project is a valuable example of solidarity-based cooperation to improve human rights at the grass-roots level.

46. At the end of the Social Forum, participants concluded, inter alia, that in an era of globalization, society must develop a new people-centred development paradigm founded on the principles of human rights, equality, solidarity and sustainability.

47. The eighteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the eighth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol were held in Doha from 26 November to 8 December 2012. In her message to the meeting, the Independent Expert urged world Governments to see beyond the cost of climate change in purely monetary terms, and to adopt a strong commitment to international solidarity as a key element towards a successful round of United Nations climate change talks. She stated that international solidarity was a key factor in building a global constituency for more equitable arrangements for climate change, particularly on investments, finance, aid, debt, technology transfer, intellectual property, migration, the environment and the global partnership for development. She stressed

the urgent need for a new cooperation model built upon a multilateral response to the mounting challenges of climate change, guided by a human rights-based approach to the principles of equity and of common but differentiated responsibilities, implemented in the spirit of international solidarity. The Independent Expert urged parties not to abandon the Kyoto Protocol, and not to allow the expiration of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention without a clear transfer of unresolved issues linked to the principles of equity and of common but differentiated responsibilities, while taking into full account the standards enshrined in the Universal Declaration of Human Rights.

48. The Independent Expert participated in the twenty-second annual regional human rights and peoples' diplomacy capacity-building programme for human rights defenders in the Asia-Pacific region, held from 26 November to 10 December 2012 in Dili. The two-week programme was organized by the Diplomacy Training Program, a non-governmental organization, at the invitation of its founder and patron, José Ramos-Horta, the 1996 Nobel Peace Laureate and former President, Prime Minister and Minister for Foreign Affairs of Timor-Leste. The programme is affiliated with the University of New South Wales in Sydney, Australia. The Independent Expert was invited to conduct and facilitate training sessions on: the right to international solidarity; human rights in development; economic, social and cultural rights and the concept of State obligations; and extraterritorial obligations of States in the field of economic, social and cultural rights. During her stay in Timor-Leste, the Independent Expert also held informal consultations with several stakeholders on the right to international solidarity. One of the recommendations coming out of the consultations was for the programme to include the right to international solidarity as one of its main topics in all its training courses.

49. In its resolution 60/209, the General Assembly recalled that in the Millennium Declaration, Heads of State and Government had identified solidarity as one of the fundamental and universal values that should underlie relations between peoples in the twenty-first century, and in that regard decided to proclaim 20 December of each year International Human Solidarity Day. Since her appointment, the Independent Expert has worked to increase awareness of the commemoration of this important day. She has coordinated activities with the Office of the President of the General Assembly, the Department of Economic and Social Affairs and the Executive Office of the Secretary-General. The 2012 theme of the International Day was "Global partnership for building shared prosperity". The Secretary-General, the President of the General Assembly and the Independent Expert each delivered messages, making a strong call for greater solidarity among nations and peoples, which is so important in periods of dramatic transition.

50. On 15 February 2013, as requested by the Human Rights Council in its resolution 19/33, OHCHR organized a seminar on the enhancement of international cooperation in the field of human rights, with the participation of States, relevant United Nations agencies, funds and programmes and other stakeholders, including academic experts and civil society, as well as a member of the Advisory Committee.

51. The Independent Expert submitted a written statement for the seminar on the theme "The way forward: general prospects, the ways and means to enhance international cooperation in the field of human rights including through developing guidelines, technical assistance, the universal periodic review and other

international mechanisms". The Independent Expert stressed the importance of best practices towards the realization of human rights in international cooperation, and made a strong call for participants to consider innovative mechanisms for cooperation, including South-South and triangular cooperation, which are still of relatively limited use in the promotion and realization of human rights.

Consultations with Member States, regional groups, United Nations agencies and civil society organizations

52. During the twenty-first session of the Human Rights Council, the Independent Expert held consultations with representatives of Bangladesh, Brazil, Cuba, Cyprus, Ethiopia, European Union, Iran (Islamic Republic of), Japan, Timor-Leste, Venezuela (Bolivarian Republic of) and the United States of America, and of the Holy See, who shared their views on the various aspects of her mandate. It is her intention to continue this process of consultations with as many Member States as possible and to undertake regional consultations, including during the process of the drafting of the declaration on the right to international solidarity.

53. Delegations expressed diverse and constructive views regarding the concept of and the right to international solidarity, including: the definition of international solidarity is illusive because it can take many forms; there should be a focus on best practices of solidarity that could be replicated in other places for the benefit of particular countries or regions; international solidarity should emphasize how human rights can be a positive intervention in the lives of people; the concept of international solidarity is too abstract at this point, which makes it difficult for some States that are concerned with possible legal and financial implications; there is a need for more clarity regarding what a right to international solidarity consists of, and that this right should not impose new obligations on States; some form of preliminary text of the draft declaration on the right to international solidarity would be of great value so that States can reflect on it and respond in a concrete manner rather than indulging in abstract speculations; civil society should be engaged in the process of elaborating the draft declaration from the early stages; and the Independent Expert should examine how international solidarity can be a mutually reinforcing policy between and among States.

54. The Independent Expert believes that the exchange of views and greater engagement with civil society organizations and other stakeholders is key to the process of drafting a declaration on the right to international solidarity, a view that has also been expressed by some delegations. Since her appointment, the Independent Expert has participated in numerous discussions and has undertaken consultations with United Nations agencies, international organizations and civil society organizations in Geneva and elsewhere, including through online discussions on the Internet.

55. Views expressed during consultations with civil society organizations include the following: solidarity and human rights converge to protect the dignity of everyone because solidarity is a platform on which to build the implementation of other human rights; the right to development cannot be realized in poor countries if there is no international solidarity; the normative implementation of international solidarity is needed to help people claim their human rights in the international community; the notion of international solidarity is concerned with supporting and creating a common global culture that will help to implement human rights;

solidarity must be the regulatory principle in the new global economic order marked by greater interdependence between States and peoples; and international solidarity must take into account the asymmetric power relations between and among States, which have implications in relation to rights, mutual obligations and equitable relationships.

V. International solidarity in the outcomes of major United Nations and other global summits and ministerial meetings

56. Pursuant to requests reiterated by the Human Rights Council in a succession of resolutions in relation to the mandate of human rights and international solidarity, the Independent Expert took into account the relevance of international solidarity in the outcomes of a number of major United Nations and other global summits and ministerial meetings, notably:

(a) The 2011 Ministerial Meeting of the Climate Vulnerable Forum, held in Dhaka on 13 and 14 November 2011; the Fourth High-level Forum on Aid Effectiveness held in Busan, South Korea, from 29 November to 1 December 2011; and the seventeenth Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Durban, South Africa, from 28 November to 1 December 2011;[4]

(b) The thirteenth session of the United Nations Conference on Trade and Development (UNCTAD), held from 21 to 26 April 2012 in Doha, adopted two outcome documents: the Doha Mandate[5] and the Doha Manar,[6] an Arabic word meaning beacon. The two documents affirmed the core activities of UNCTAD, and declared the solidarity of its member States in their quest for a prosperous world. The Doha Mandate focused on the theme "Development-centred globalization: Towards inclusive and sustainable growth and development", contributing to reducing poverty and creating jobs. The Doha Manar, the closing declaration of the thirteenth session, stated, on behalf of the 194 member States that: "Together, as a collection of sovereign nations, we have endeavoured to construct a shared, interdependent and prosperous world through increased economic, political and social processes. By working to maximize the opportunities arising from globalization in international trade and investment, we have sought to promote economic growth and development with particular attention to reducing the inequalities between us and within our nations, and to improving our capacities to fulfil common purposes and exercise more effective and responsible stewardship of our natural and planetary resources. Above all, we have sought to fulfil, individually and collectively, our peoples' aspirations to live in peace and to enjoy in fullness, lives that are rich and diverse, and ever more stable and secure";[7]

(c) The opening line of the outcome document of the United Nations Conference on Sustainable Development, "The future we want", is an implicit

[4] See Section VI, A/HRC/21/44, 10 August 2012, for the report by the Independent Expert on the outcomes of these conferences and meetings.

[5] TD/500/Add.1.

[6] TD/500/Add.2.

[7] Ibid., para. 1.

affirmation of the spirit and principle of international solidarity, renewing the commitment of Heads of State and Government and high-level representatives to sustainable development. The document, notably, refers to the "full participation of civil society" and to "ensuring the promotion of an economically, socially and environmentally sustainable future for our planet and for present and future generations".[8] It is this same spirit of international solidarity that suffuses the principle of common but differentiated responsibilities set out in principle 7 of the Rio Declaration on Environment and Development. The essence of international solidarity is implicit throughout the outcome document of the Conference on Sustainable Development in its references to partnerships and cooperation, particularly in the attainment of the Millennium Development Goals, together with the need to strengthen international cooperation to address the challenges related to sustainable development. The outcome document emphasizes that sustainable development requires the engagement and action of a "broad alliance of people, governments, civil society and the private sector, all working together to secure the future we want for present and future generations".[9]

VI. Conclusion

57. **In the present report, the Independent Expert has provided a concise introduction to the mandate of human rights and international solidarity, the first report to the General Assembly on this mandate. More importantly, the report summarizes a considerable number of the elements that will inform the content of the draft declaration on the right of peoples and individuals to international solidarity. Owing to the word limits for United Nations documents, the report does not include numerous details supporting these elements as culled from varied sources. However, the Independent Expert has indicated where these sources may be found.**

58. **Currently, the Independent Expert is in the process of consolidating and analysing information and research data in preparation for the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, which she, upon her appointment, pledged to submit to the Human Rights Council for its consideration by 2014. The Independent Expert presently finds herself straddling stage two and stage three in her workplan described in the summary to the present report, that is, analysing at the same time as writing the preliminary text of the draft declaration as requested by the Council. She aims to complete this work by the end of August 2013. This will allow for sufficient time to circulate the preliminary text to Member States, the Human Rights Council Advisory Committee and other stakeholders, including non-governmental organizations, special procedures mandate holders, academics and other actors, with a view to eliciting comments prior to finalizing the draft declaration on the right of peoples and individuals to international solidarity.**

[8] See resolution 66/288, annex, para. 1.

[9] Ibid., para. 13.